



Catalyze Property Consulting Pty Ltd
PO Box 422 Hamilton NSW 2303

Planning Proposal

for

**16-18 Cusack Place,
Yass, NSW, 2582**

May 2025

(revised to update Flood Impact Risk Assessment and Zoning Maps)

Table of Contents

Executive Summary	4
Part 1 - Objectives or Intended Outcomes.....	5
Part 2 - Explanation of Provisions	8
Part 3 - Justification	9
Section A – Need for the Planning Proposal.....	9
Section B – Relationship to Strategic Planning Framework	10
Section D – State and Commonwealth Interests	17
Part 4 - Mapping	19
Part 5 - Community Consultation	22
Part 6 - Project Timeline	23
Part 7 – Conclusion	24
Appendix 1 – Consistency with Regional Plan	25
Appendix 2 – Consistency with YV Settlement Strategy	28
Appendix 3 – Consistency with State Environmental Planning Policies.....	31
Appendix 4 – Consistency with s.9.1 Ministerial Directions	34

Table of Figures

Figure 1 - Regional Location	6
Figure 2 - Subject Site - Aerial View	6
Figure 3 - Subject Site - Lot View	7
Figure 4 - Survey	7
Figure 5 - Extract from Land Zoning Map - Sheet LZN_001H.....	19
Figure 6 - Extract from Land Zoning Map - Sheet LZN_002B	20
Figure 7 - Extract from Lot Size Map - Sheet LSZ_001H	20
Figure 8 - Extract from Lot Size Map - Sheet LSZ_002B.....	21

Executive Summary

The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (Act) and the relevant Department of Planning and Environment (DPE) Guidelines and provides the following:

- Objectives or Intended Outcomes
- Explanation of Provisions
- Justification
- Mapping
- Community Consultation
- Project Timeline

The Planning Proposal seeks to amend *Yass Valley Local Environmental Plan 2013* (YVLEP) to rezone 16-18 Cusack Place, Yass being Lot 2 DP1185025 (10.73ha); 3 DP1185025 (7.327ha) and Lot 4 DP1185025 (9.694ha) (Site) to R1 General Residential and C2 Environmental Conservation and to reduce the minimum lot size to 700m² to facilitate residential subdivision of the land.

The Site, located approximately 2.6km south east of the centre of the town of Yass, is adjacent to existing residential and large lot residential development.

The Site has been historically utilised for grazing and the vegetation within the Site has been substantially modified and dominated by exotic species.

To support this Planning Proposal, an Ecological Assessment, Bushfire Strategic Study, Aboriginal Cultural Heritage Due Diligence Assessment, Detailed Contamination Site Investigation, Traffic Impact Assessment, Preliminary Servicing Strategy, Flood Impact Risk Assessment and Concept Design Report (Civil Engineering) have been prepared. All of these specialist studies support the Planning Proposal.

It is important to note however that the findings of any of these Reports as they relate to Lot 1 DP 1007355 is to be disregarded as Lot 1 DP 1007355 does not form any part of this Planning Proposal.

This Planning Proposal outlines the intended effect and justification for the proposed amendment to YVLEP.

Part 1 - Objectives or Intended Outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the Planning Proposal is to amend the Yass Valley Local Environmental Plan (LEP) 2013 to enable the development of the Site for residential subdivision; creating lots that are a minimum of 700m².

The Site is approx. 27.75ha in size and located approximately 2.6km south east of the centre of the Yass township and approximately 50 kilometres north-west of Canberra. It has a significant frontage to Wee Jasper Road running a length of approximately 325 metres (west facing boundary), with access via Cusack Place to the south and terminating at an existing dwelling at 16-18 Cusack Place, Yass.

Topographically the eastern boundary of the Site sits generally on a north south trending ridge with a side slope down to the west at slopes progressively reducing from 10% to a south to north trending drainage depression located approximately 500m to the west. It then rises over a low spur with side slopes of up to 2% to Wee Jasper Road, a further 200m to the west.

The Site has been historically utilised for grazing and the vegetation within the Site has been substantially modified and largely dominated by exotic species.

The intended outcome of the Planning Proposal is to assist in accommodating the projected population growth for the Yass Valley local government area by facilitating residential development on an appropriately located and relatively unconstrained parcel of land.

The outcome is consistent with the Yass Valley Settlement Strategy 2036 and supported by appropriate specialist investigations.

Detailed design of the proposed subdivision will occur as part of the Development Application (DA) process, following the proposed amendments to the YVLEP.

The Site is shown in the following Figures:

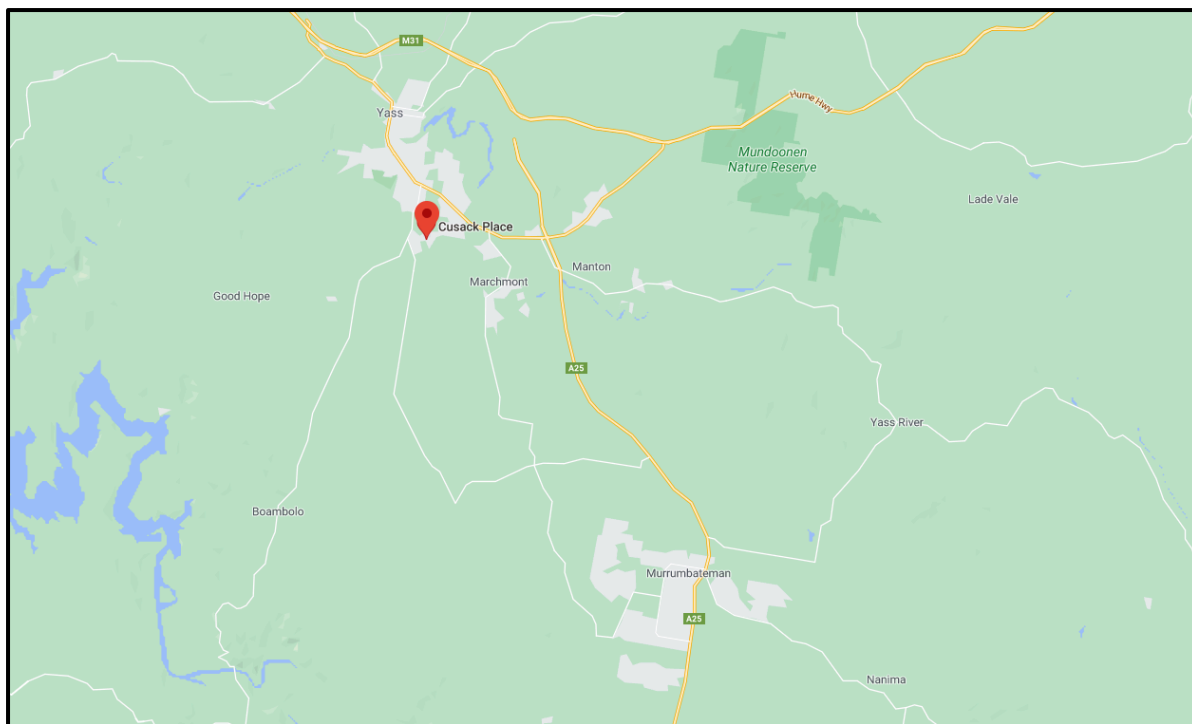


Figure 1 - Regional Location



Figure 2 - Subject Site - Aerial View

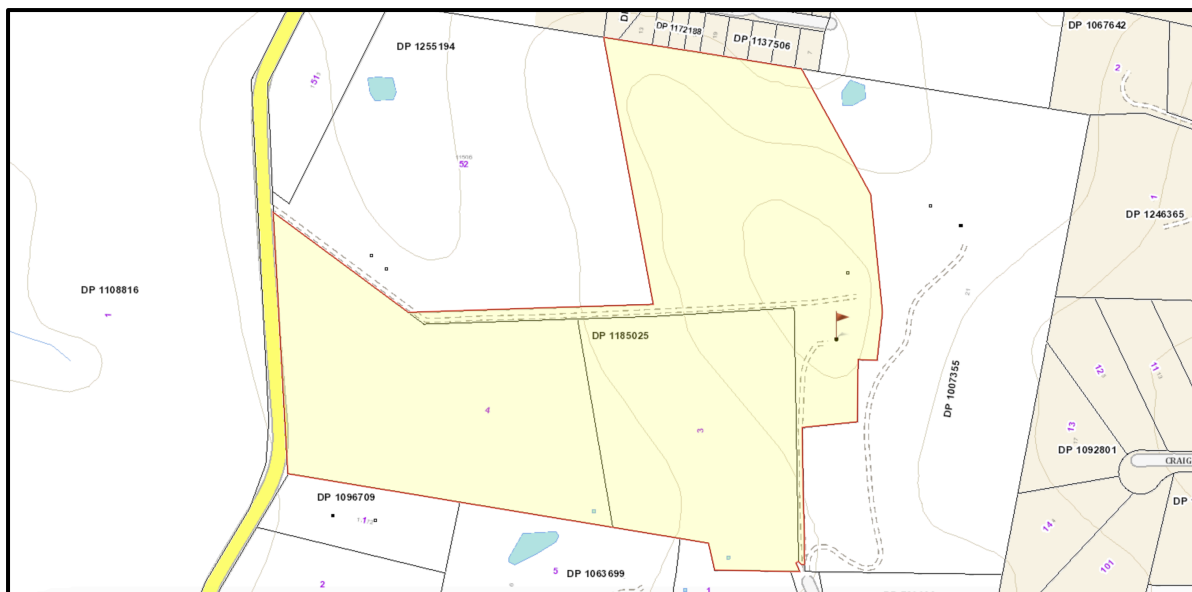


Figure 3 - Subject Site - Lot View

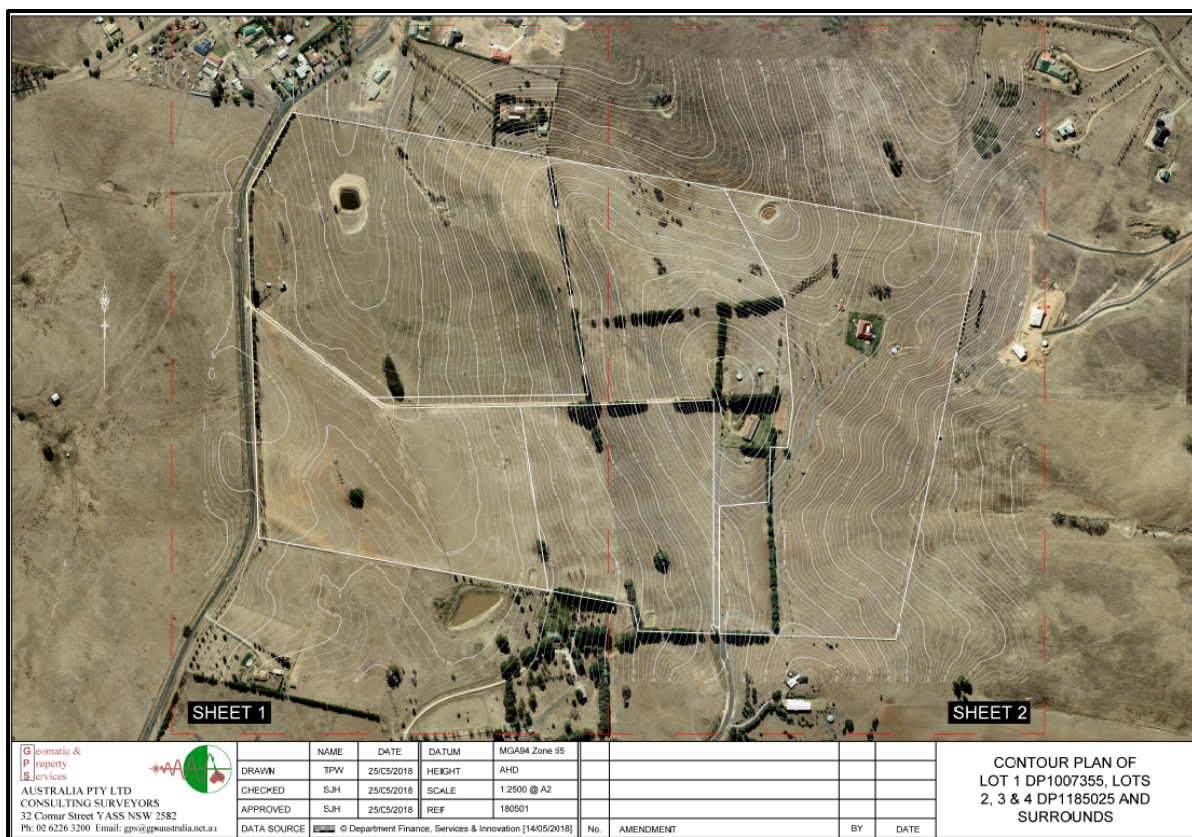


Figure 4 – Survey

Part 2 - Explanation of Provisions

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The land is currently zoned R5 Large Lot Residential and has a minimum lot size of 2ha pursuant to YVLEP.

It is proposed to amend the land use zone to R1 General Residential and C2 Environmental Conservation with a minimum lot size of 700m² pursuant to YVLEP.

The proposed outcomes of the Planning Proposal will be achieved by amending:

- YVLEP Land Zoning Map – Sheet LZN_001H
- YVLEP Land Zoning Map – Sheet LZN_002B
- YVLEP Lot Size Map – Sheet LSZ_001H
- YVLEP Lot Size Map – Sheet LSZ_002B

The proposed amendments are included in Part 4.

Part 3 - Justification

(s.3.33(2)(c) Justification for the objectives or intended outcomes and the process for their implementation)

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a direct result of the Yass Valley Settlement Strategy 2036 (YVSS) which identified the Site as potential future residential development.

The YVSS identifies that the Site had potential to be rezoned from R5 – Large Lot Residential with a minimum lot size of 2ha to R1 – General Residential with a minimum lot size of 700m².

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 is the best and most efficient means of achieving the objective and intended outcomes.

Based on the current minimum lot size of 2ha, the Site has the potential to yield approximately 11 – 13 new lots.

Changing the zone and reducing the minimum lot size to 700m², subject to detailed design, will yield approximately 200-250 lots, which comparable to the outcome foreshadowed within YVSS.

The proposal can be integrated into existing street and services networks and can be achieved without any significant impacts to the environment, aboriginal heritage, transport infrastructure, agricultural land, or the existing settlement character of Yass.

The yield could theoretically be increased by only reducing the minimum subdivision size applicable to the Site; however, the zone objectives of the existing R5 Large Lot Residential zone are generally inconsistent with this outcome.

Therefore, changing the zoning of the Site and reducing the minimum subdivision size is the preferred approach to assist in accommodating the projected population growth within Yass Local Government Area.

The introduction of the C2 Environmental Conservation Zone over the strip of land identified as flood affected is a method of ensuring buildings are not constructed on this land.

Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is considered to be consistent with the Goals and Directions contained within the South East and Tablelands Regional Plan 2036.

A summary of the Planning Proposal's consistency is provided in **Appendix 1** of this Planning Proposal.

Q4. Will the planning proposal give effect to Council's strategic planning statement or another endorsed local strategy or strategic plan?

Yes. This Planning Proposal is consistent with local council's Community Strategic Plan, or other local strategic plans.

The Tablelands Regional Community Strategic Plan 2016-2036 (CSP)

The CSP articulates the community and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities.

This Planning Proposal is considered to be consistent with the Strategic Pillars articulated in the CSP in that:

- It supports economic growth in the Region.
- It will have no adverse impact on the Region's social, cultural and economic diversity.
- It is not inconsistent with the adopted Regional Plan.
- It maintains a balance between sustainable growth, development and environmental protection.

Yass Valley Settlement Strategy 2036 (YVSS)

The YVSS was adopted by Council in August 2017 and endorsed by the State Government in September 2018. It provides direction for long term growth and development within the Yass Valley Local Government Area.

The YVSS states that the Yass Valley LGA is forecast to grow to a population exceeding 25,000 people by 2036 and recommends that the majority of the growth be concentrated in Yass. This would see Yass accommodating 20,000 people.

The YVSS recommends three main ways to facilitate population growth within Yass:

- Developing existing residential zoned Greenfield sites;
- Encouraging urban renewal of some existing housing reaching the end of its useful life; and
- that Council reconsider applying smaller lot sizes on some of the existing Greenfield sites.

The YVSS is guided by 16 key principles and settlement specific recommendations for the future character and growth of the existing towns and villages within the Yass Valley LGA. For completeness, a summary of the Planning Proposal's consistency with these principles is contained in **Appendix 2**.

Importantly, Section 10 of the YVSS outlines the existing roles and character and the Recommendations for the future character and growth of existing towns and villages in the Yass Valley; and contains the following specific recommendation for the Site:

A site bounded by Wee Jasper Road and Cusack Place could be considered for some upzoning from R5 Large Lot Residential to R1. Part of the site is constrained by powerlines, however land in the northernmost portion would be adjacent to and could be integrated with the existing Mary Reid Estate (MLS 700 sqm). Although the land comprises 5 lots, it is held in the ownership of only two families and has a total area of 57.9 ha. This land could accommodate an estimated 200-300 additional lots subject to detailed site investigations, and preparation of an overall Masterplan showing road connection into Mary Reid Estate.

As such, this Planning Proposal specifically aligns with the Principles and Recommendations of the YVSS.

Yass Valley Local Strategic Planning Statement (LSPP)

The LSPP was adopted by Council in May 2020 and sets out the 20 year vision for land use within the Local Government Area, outlining how growth and change will be managed into the future.

The LSPP sets out 7 Planning Priorities of which the following are relevant to this Planning Proposal:

Planning Priority 2 – Focus growth in Yass and Murrumbateman

This Planning Proposal is consistent with this Planning Priority as it is consistent with and implements the recommendations of the YVSS in the short term.

Further the suite of specialist studies that accompany this Planning Proposal demonstrate it avoids land affected by flooding and high bushfire risk and avoid agricultural land use conflict.

Planning Priority 4 - Protect and conserve the natural environment, built and Aboriginal cultural heritage of Yass Valley

This Planning Proposal is accompanied by a detailed Aboriginal Cultural Heritage Due Diligence Assessment and an Ecological Assessment which supports the proposed development outcome.

Planning Priority 5 - Advocate to NSW Government for services and infrastructure to support growth within Yass Valley

This Planning Proposal is accompanied by a Servicing Strategy which demonstrates the proposed development outcome can be integrated into Council's existing town water and sewer network.

Planning Priority 7 - Increase Yass Valley's Resilience to Climate and Natural Hazards

This Planning Proposal is accompanied by a Flood Risk Assessment, Bushfire Strategic Study and Detailed Contamination Site Investigation all of which supports the proposed development outcome.

As such, this Planning Proposal specifically aligns with the Planning Priorities of the LSPP.

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

The Planning Proposal is generally consistent with applicable State Environmental Planning Policies.

A summary of the Planning Proposal's consistency with applicable State Environmental Planning Policies is provided in **Appendix 3** of this Planning Proposal.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is generally consistent with applicable s.9.1 Ministerial Directions.

A summary of the Planning Proposal's consistency with relevant s.9.1 Ministerial Directions is provided in **Appendix 4** of this Planning Proposal.

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?

An Ecological Assessment has been carried out and accompanies this Planning Proposal.

This report is specifically intended to indicate the likelihood of the Proposal having a significant effect on threatened species or ecological communities.

It is important to note however that the findings of this Report as it relates to Lot 1 DP 1007355 is to be disregarded as Lot 1 DP 1007355 does not form part of this Planning Proposal.

Investigations were carried out via literature and database searches to gather information required to adequately address the requirements of the *Biodiversity Conservation Regulation 2017* (BCR) and to address BOS thresholds and on-site survey efforts.

The Commonwealth EPBC Act and relevant State Environmental Planning Policies (SEPPs) were also considered and correspondence from the Department of Planning and Environment (Dated 01 November 2022).

The Assessment concluded:

In conclusion, Lots 2, 3 & 4 DP 1185025 are unconstrained from an ecological perspective and suitable to be rezoned for R1 General Residential and the minimum lot size to be reduced to 700m² to facilitate residential subdivision of the land.

As such, the Proposal does not trigger the requirements for production of a Biodiversity Development Assessment Report (BDAR) and the Assessment concludes the Site is appropriate from an ecological perspective to be rezoned for residential purposes.

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

To thoroughly assess the potential environmental impacts of the planning proposal, the following specialist reports have been prepared:

- Bushfire Strategic Assessment
- Aboriginal Cultural Heritage Due Diligence Assessment
- Detailed Contamination Site Investigation; and

- Traffic Impact Assessment.
- Flood Impact Risk Assessment

The findings of each of these reports is summarised below.

It is important to note however that the findings of any of these Reports as they relate to Lot 1 DP 1007355 is to be disregarded as Lot 1 DP 1007355 does not form part of this Planning Proposal.

Bushfire Strategic Assessment

The Site is mapped as Category 3 bushfire prone vegetation and, as such, a Bushfire Strategic Assessment has been carried out and accompanies this Planning Proposal.

The Report considers that the residential design itself can offer acceptable bushfire protection measures and that:

- *The location and future concept designs have potential to be managed such that the site is not considered a high bushfire risk area.*
- *It is likely that the bushfire protection measures (namely APZ, access and water supply) will adequately demonstrate compliance with PBP 2019.*
- *The overall development reduces the bushfire risk in the locality, and future development will offer acceptable planning and design that provide resilience to bushfire threat.*

On this basis it is assessed that the Planning Proposal is satisfactory from a bush fire risk perspective.

Aboriginal Due Diligence Assessment

An Aboriginal Due Diligence Assessment has been carried out and accompanies this Planning Proposal.

Across the planning proposal area, the assessment identified one previously unrecorded Aboriginal site noted in the Report as AS/Quarry and PAD in Lot 2 DP 1185025 which is adjacent to an existing power pole.

This site is made up of one artefact scatter (containing 90 stone artefacts), quarry material and a Potential Archaeological Deposit and is recorded as having medium archaeological/scientific significance.

In conclusion, the Assessment recommends:

- *Overall, the assessment area is considered to have low Aboriginal heritage potential.*

- *If the newly recorded Aboriginal site (AS/Quarry/PAD) can be avoided as a result of any future development proposal for Lot 2 DP 1185025, then no further archaeological investigation is warranted.*
- *If the existing Aboriginal site AS/Quarry/PAD and objects cannot be avoided as a result of any future development proposal, then under section 90 of the National Parks & Wildlife Act 1974, an application for an area based Aboriginal Heritage Impact Permit (AHIP) to impact the sites should be lodged with Heritage NSW. An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Archaeological Survey Report will accompany the AHIP application.*
- *The proposed development should not commence until the AHIP is issued, and should then be undertaken in accordance with the AHIP conditions.*
- *The identified Aboriginal objects comprising open site AS/Quarry/PAD Lot 2 DP 1185025 should be collected after the AHIP is issued and prior to commencement of any proposed development.*

Whether or not the Aboriginal site will be avoided is a matter for detailed design as part of any future Development Application. However, at this point it is clear the site provides no impediment to the Planning Proposal proceeding.

Land Contamination

A Preliminary Site Investigation (PSI) was completed by Murrang Earth Sciences (Murrang) in June 2021 to assess potential contamination risks across the Site, the results of which indicated that further investigation, including the sampling of soil would be required to confirm the suitability of the Site for future residential land uses.

As such, a Detailed Site Contamination Investigation was prepared and is accompanies this Planning Proposal. The results of this Investigation are summarised below:

- *The majority of the site was used for agricultural purposes. Two (2) existing residential properties are located on the site.*
- *Sources of potential contamination that had been identified included herbicides that may have been used as a part of pasture improvement, possible lead that may have been deposited at the surface by vehicular traffic along Wee Jasper Road.*
- *Soil across the site comprised of a sandy silt at the surface while a silty clay was encountered below the sandy silt.*

- *Based on the analytical results of soil samples, COPCs were below the adopted criteria in all soil samples analysed while no traces of anthropogenic materials were observed in soil across the site.*
- *A small stockpile of 3 m³ was located in the north-western section of the site. The stockpile had traces of asphalt and concrete, however concentrations of COPCs in soil were below the adopted assessment criteria.*

The Investigation states that the risk of contamination to future land uses is low and, therefore concludes that the Site is suitable for future residential land use.

Traffic and Access Assessment

An assessment of the Traffic and Access Assessment has been carried out and accompanies this Planning Proposal.

This assessment is based on a yield of 300 residential lots on the Site and relevantly states;

It is proposed to provide vehicle access to the development via three (3) locations as follows:

- i. *An extension of Cusack Place across the southern boundary of the subject site,*
- ii. *A connection to the Mary Reed Estate across the northern boundary of the subject site, and*
- iii. *A vehicle access, comprising basic left-turn and right-turn treatments, on Wee Jasper Road (located less than 15m or greater than 210m north of the south boundary of the subject site).*

On this basis, there are no traffic engineering reasons why the proposed development should not be approved, subject to appropriate conditions.

Flood Impact Risk Assessment

A draft subdivision plan and civil design was prepared to enable a Flood Impact Risk Assessment (FIRA) to be carried out. This suite of work accompanies this Planning Proposal. This Assessment concludes:

To provide for future development that is compatible with the flood hazard of the land, consistent with Ministerial Direction 4.1 and readily facilitates compliance with the LEP and DCP requirements, this planning proposal has developed a subdivision in which the earth and drainage works have been designed to provide a final landform that is at or above both the 0.2% AEP event and the Flood Planning Level. The consideration of the 0.5% AEP and 0.2% AEP events is used to provide a suitable proxy for the expected 1% AEP flood conditions including allowances for future climate change.

The FPA extent indicates that there are no significant constraints for dwellings to be constructed within the future subdivision and satisfy FPL controls for finished floor levels. Under the extremely rare PMF conditions the residential lots of the potential future subdivision are only exposed to a low-to-medium flood hazard. Therefore, the formalisation of the overland flow path through the Site and the adjacent filling effectively manages the risk to life and risk to property from flooding.

A relative flood impact assessment has also been undertaken and confirms that the required Site regrading will have a negligible impact on existing off-site flood conditions. The short duration of flooding also means that significant periods of isolation are not a concern, with the overland flow receding within half an hour following the cessation of the flood-producing rainfall.

The current state of subdivision design is compatible with the flood hazard of the land and can be rezoned with confidence that the flood risk at the Site is effectively managed. Any minor adjustments can be implemented and assessed as the earth and drainage works design progresses through the subdivision DA stage.

Notwithstanding this Report's conclusion that the flood impact can be dealt with at DA Stage, the area identified as flood affected, is proposed to be zoned C2 Environmental Conservation.

On this basis, it is assessed that the Site is suitable for the proposed Planning Proposal in terms of flood risk.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The social and economic impacts of the Planning Proposal are positive for the Local Government Area and the local community.

Rezoning the land and reducing the minimum lot size to facilitate a higher density residential development will have two primary positive social and economic effects, being:

- the provision of a range of residential lot sizes within reasonable proximity to the commercial and community facilities available in Yass; and
- the creation of economic activity through the building and development process.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

Servicing has been discussed with Council Officers and a Preliminary Servicing Strategy has been prepared and accompanies this Planning Proposal.

It is the intention of the Owner that the Site connects to and is serviced by the existing town water and sewer network. Although, we note that the current Guide to Preparing Planning Proposals states it is not necessary for a proponent to identify exactly what infrastructure may be needed at the initial stage.

This Strategy concludes that:

subject to detailed design at DA Stage, the Site can be adequately serviced to support residential development. As such, the Planning Proposal can be supported from a servicing perspective.

As the project progresses and the detailed design is completed, where required necessary services will be augmented in consultation with local service providers so that all proposed servicing infrastructure will be addressed as part of the detailed design with the Development Application.

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

Formal consultation has not yet been undertaken with State and Commonwealth agencies; however, we do note that the YVSS has been endorsed by DPIE.

The following public agencies and private organisation may be consulted during public exhibition:

- Transport for NSW
- Biodiversity Conservation Division – DPE
- NSW Rural Fire Service
- Heritage NSW
- TransGrid
- Essential Energy

There are a number of electrical easements on the property that are controlled by Transgrid and Essential Energy. The extent of these easements and the associated voltage (based on publicly available information) is shown on the Survey Plan that accompanies this Planning Proposal.

It is the intention of the land owner to consult with Transgrid and Essential Energy during the detailed design phase of the project to ensure these overhead power lines can, as far as practical, be relocated underground.

Where the power lines cannot be relocated underground, the subdivision layout will be designed in consultation with the authorities to provide the required access and integrate into the lot layout and road network.

Should the Proposal be significantly amended as a result of agency consultation, it may be reported back to Council and the Department of Planning and Environment for an amended Gateway Determination.

Part 4 - Mapping

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The proposed outcomes of the Planning Proposal will be achieved by amending:

- YVLEP Land Zoning Map – Sheet LZN_001H
- YVLEP Land Zoning Map – Sheet LZN_002B
- YVLEP Lot Size Map – Sheet LSZ_001H
- YVLEP Lot Size Map – Sheet LSZ_002B

Extracts of the proposed amendments are included below.

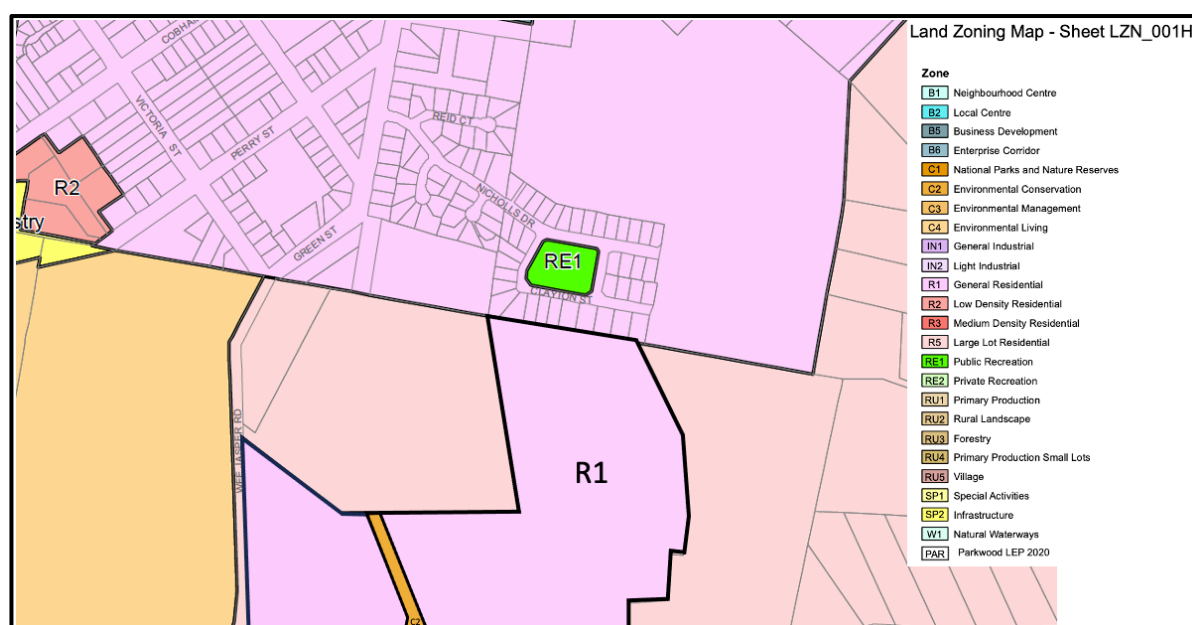


Figure 5 - Extract from Land Zoning Map - Sheet LZN_001H

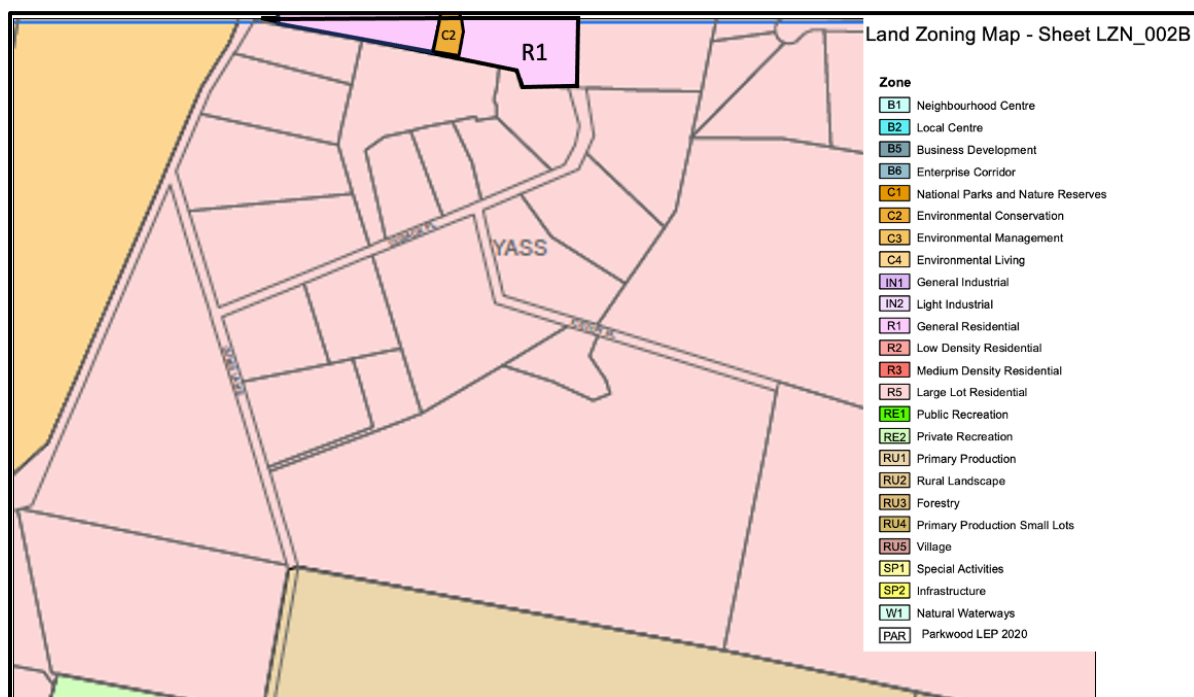


Figure 6 - Extract from Land Zoning Map - Sheet LZN_002B

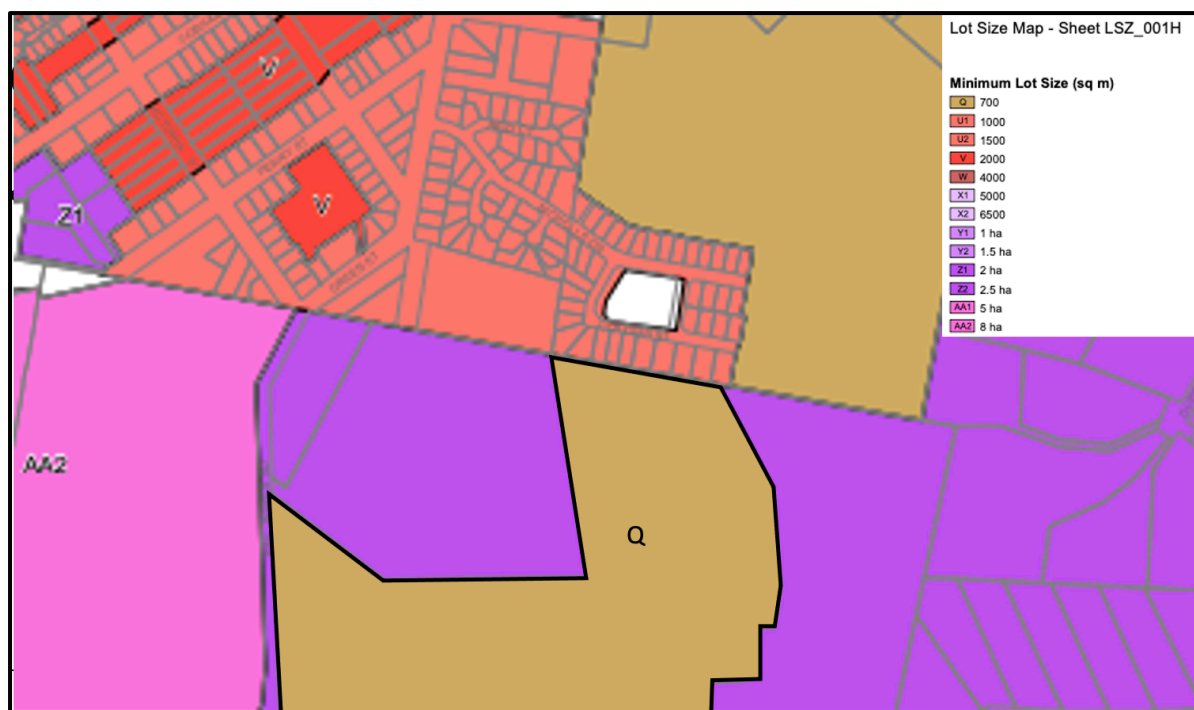


Figure 7 - Extract from Lot Size Map - Sheet LSZ_001H

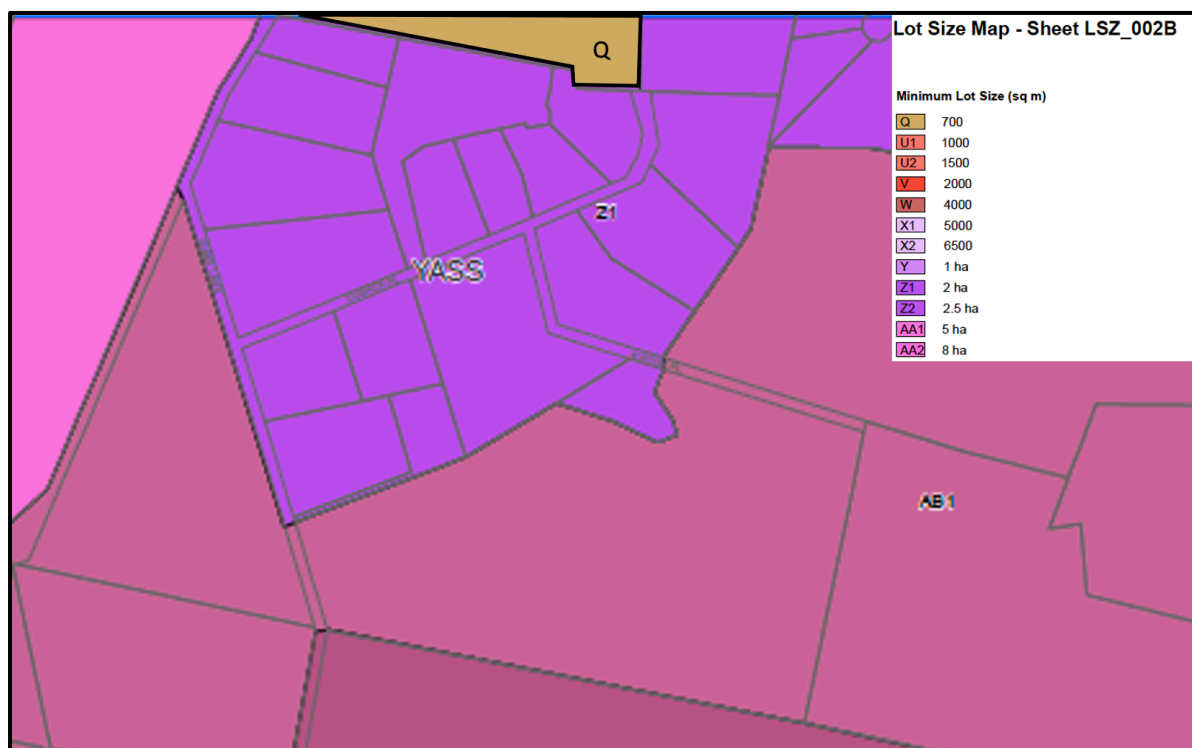


Figure 8 - Extract from Lot Size Map - Sheet LSZ_002B

Part 5 - Community Consultation

(s.3.33(2)(e) community consultation required)

In accordance with Section 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal may be made available for public comment for a minimum of 28 days.

In accordance with Council's adopted consultation protocols the following may also be undertaken:

- Direct mail notification to adjacent and adjoining land owners;
- Exhibition material and all relevant documents will be available at Council's Administration Offices;
- Exhibition material and all relevant documents will be available on NSW Planning Portal
- Exhibition material and all relevant documents will be available on Council's website.

Consultation required will be specified by the Gateway determination.

Part 6 - Project Timeline

In accordance with the Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this local environmental plan.

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the Planning Proposal	Council	-	May 2025
Lodgement of Planning Proposal for Gateway Determination	Council	-	May 2025
Gateway Determination Issued	Minister for Planning	-	June 2025
Consultation with Public Authorities in accordance with Gateway Determination (if required)	Council	Minimum 21 days	June 2025
Public exhibition of Planning Proposal (if required)	Council	Minimum 28 days	June 2025
Report to Council	Council	-	July 2025
Making of local environmental plan	Council as delegate	6 – 8 weeks	August 2025

Part 7 – Conclusion

The primary aim of the Planning Proposal is to amend the YVLEP to facilitate residential development on the Site by amending the zone to R1 General Residential and C2 Environmental Conservation and reducing the minimum lot size to 700m².

The Proposal is consistent with YVSS and all relevant planning policies and Ministerial Directions.

In addition, it is considered to have strategic merit as it will:

- Utilise a suitable site to provide residential land to service the local community.
- Provide positive social and economic impacts.
- Result in no undue amenity impacts or land use conflict.
- Have no unacceptable environmental impacts.
- Have no unacceptable impact on Aboriginal Cultural Heritage.
- Have no unacceptable impact on traffic.
- Have no unacceptable impact through flooding risk.

On this basis, it is recommended that Council adopt this Planning Proposal and endorse it for Gateway determination.

Appendix 1 – Consistency with Regional Plan

The primary purpose of the South East and Tablelands Regional Plan 2036 (Regional Plan) is to guide the NSW Government's land use planning priorities and decisions over the next 20 years.

The Regional Plan is not intended to be a step-by-step approach to all land use planning. Rather, it is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

Whilst many of the Goals and Actions are not relevant to this Planning Proposal, it is consistent with the overall Vision of the Plan.

The relevant matters under the Regional Plan for consideration within this Planning Proposal, are documented within the following table.

GOAL 2 - A diverse environment interconnected by biodiversity corridors	
Direction 14: Protect important environmental assets	
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, minimise and offset' hierarchy.	The Ecological Assessment that supports this Planning Proposal concludes that there will be minimal environmental impact arising from the development.
Direction 18: Secure Water Resources	
18.1 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.	<p>The Preliminary Servicing Strategy that accompanies this Planning Proposal provides conceptual analysis to demonstrate that the development of the Site can be designed in such a way to minimise downstream impacts.</p> <p>It is intended that detailed design will be undertaken at DA Stage.</p>
18.4 Incorporate water sensitive urban design into development that is likely to impact water catchments, water quality and flows.	It is the intention to include Water Sensitive Urban Design strategies in the detailed design of the project.

GOAL 3 Healthy and connected communities	
Direction 22: Build socially inclusive, safe and healthy communities	
22.3 Integrate walking and cycling networks into the design of new communities to encourage physical activity.	It is the intention that the subdivision will have an integrated walking and cycling network that will link to existing facilities.
22.4 Promote energy efficiency in new development proposals.	All new dwellings will be required to satisfy BASIX.
Direction 22: Protect the region's heritage	
23.1 Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies.	Aboriginal Cultural Heritage Due Diligence Assessment that accompanies this Planning Proposal concludes that the assessment area has low heritage potential and that the proposal can proceed, subject to standard safeguards.
GOAL 4 Environmentally sustainable housing choices	
Direction 24: Deliver greater housing supply and choice	
24.2 Prepare local housing strategies consistent with the Settlement Planning Principles to provide a surplus supply of residential land to meet projected housing needs.	YVSS has been prepared and endorsed by DPIE and the Planning Proposal is a direct response to that Strategy.
Direction 25: Focus housing growth in locations that maximise infrastructure and services	
25.1 Focus future settlement to locations that: - prioritise new release areas that are an extension of existing strategic and local centres.	The Site adjoins the existing residential area of Yass and is consistent with the YVSS.
Direction 27: Deliver more opportunities for affordable housing	
27.2 Facilitate greater housing diversity, including studios and one- and two-bedroom dwellings, to match forecast changes in household sizes.	The Planning Proposal will result in an increase in supply of housing available in Yass which, in turn, will assist with affordability.

Local Government Narratives - Yass Valley	
Priorities	
Protect and maintain the area's high environmental value lands and heritage assets.	<p>The Ecological Assessment that supports this Planning Proposal concludes that there will be minimal impact arising from the development.</p> <p>Aboriginal Cultural Heritage Due Diligence Assessment that accompanies this Planning Proposal concludes that the assessment area has low heritage potential and that the proposal can proceed, subject to standard safeguards.</p>
Housing	
Focus housing on existing centres rather than isolated land releases.	The Site adjoins the existing residential area of Yass and is consistent with the YVSS.

Appendix 2 – Consistency with YV Settlement Strategy

The YVSS was adopted by Council in 2017 and endorsed by the DPIE in May 2019. It focusses on how Council can meet the projected demand for population growth, while acknowledging the constraints to growth.

The Settlement Strategy is guided by a set of 16 Principles and settlement specific recommendations for the future character and growth of the existing towns and villages in the Yass Valley LGA. The key Principles for consideration and the Planning Proposal's consistency with the relevant Principles are documented within the following table.

Principles of YVSS	Assessment
Provide for a diversity of choice in residential land and dwelling types in a range of appropriate locations.	Consistent. The Planning Proposal will result in an increase in supply of housing available in Yass at an appropriate location.
Encourage development that responds to emerging demographic trends and associated lifestyle requirements.	Consistent. The Planning Proposal will result in an increase in flexible housing opportunities that will be able to adapt to demographic trends and lifestyle requirements.
Future development, particularly at the residential/agricultural and the residential/ industrial interfaces should be planned for and managed to minimise potential conflict between adjacent land uses.	Consistent. The Planning Proposal will not result in land use conflict as it does not directly adjoin any rurally zoned land.
Future development should be appropriately located in relation to: its scale, nature or type of development; the ability to provide infrastructure and services; the need for access and to ensure effective traffic management.	Consistent. The Site is specifically identified within the YVSS for residential purposes and the Planning Proposal is accompanied by a Preliminary Servicing Strategy and Traffic Impact Assessment that concludes the Site is appropriate for the proposed use.
Future developments should complement existing settlement structure, character and uses and allow for the creation of legible and integrated growth.	Consistent.
Long term land identified as potentially appropriate for urban purposes shall be safeguarded from inappropriate	Consistent.

interim land uses and fragmentation that may compromise and conflict with the layout, orderly staging and mix of long term urban uses.	
Future development should strengthen the hierarchy of settlements, support and maintain strong multi-functional business centres and maximise infrastructure and service efficiencies.	Consistent.
Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.	Consistent. The Site is specifically identified within the YVSS for residential purposes and the Planning Proposal is accompanied by a Preliminary Servicing Strategy and Traffic Impact Assessment that concludes the Site is appropriate for the proposed use.
Ensure sufficient employment land is provided to allow towns to play an appropriate retail role as their population increases, providing employment and reducing escape expenditure.	N/A
Future development should avoid areas of environmental significance, significant natural and/or economic resources, potential hazards, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change. Future development adjoining land with these values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	Consistent. The Ecological Assessment that supports this Planning Proposal concludes that there will be minimal impact arising from the development. Aboriginal Cultural Heritage Due Diligence Assessment that accompanies this Planning Proposal concludes that the assessment area has low Aboriginal heritage potential and that the proposal can proceed, subject to standard safeguards.
Future development areas or settlements should recognise, protect and complement any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance.	Consistent. The Site has an appealing outlook but does not contain any unique topographic, natural or built cultural features, and is identified for residential development within the YVSS.
Future development should respond to the risks associated with the impacts of climate change by enhancing the	Consistent. The Proposed development will employ all contemporary energy efficient design

efficiency and resilience of existing and future settlements.	features and all new dwellings are required to comply with BASIX.
Future development should be designed and located to maximise total water cycle management and minimise impacts on the environment.	<p>Consistent.</p> <p>The Preliminary Servicing Strategy that accompanies this Planning Proposal provides conceptual analysis to demonstrate that the development of the Site can be designed in such a way to minimise downstream impacts.</p> <p>It is the intention to include Water Sensitive Urban Design strategies in the detailed design of the project.</p>
Unless land can only be accessed from the ACT, and appropriate servicing arrangements can be entered into with the ACT, urban development will not be supported.	N/A
Future development areas should maintain a buffer or transition zone and open space within and between to maintain and reinforce the identity of Yass Valley LGA's various settlements.	Consistent.
Ensure growth of towns occurs without ribbon development.	Consistent.
YVSS Recommendations (Yass)	Assessment
A site bounded by Wee Jasper Road and Cusack Place could be considered for some upzoning from R5 Large Lot Residential to R1. Part of the Site is constrained by powerlines, however land in the northernmost portion would be adjacent to and could be integrated with the existing Mary Reid Estate (MLS 700 sqm). Although the land comprises 5 lots, it is held in the ownership of only two families, and has a total area of 57.9 ha. This land could accommodate an estimated 200-300 additional lots subject to detailed site investigations, and preparation of an overall Masterplan showing road connection into Mary Reid Estate.	<p>Consistent.</p> <p>The Planning Proposal will result in what is anticipated in this Recommendation.</p>

Appendix 3 – Consistency with State Environmental Planning Policies

Consistency of the Planning Proposal with State Environmental Planning Policies is assessed in the following Table with specific comments in relation to the more relevant SEPPs provided after the Table.

State Environmental Planning Policies	Consistency with SEPP
State Environmental Planning Policy (Primary Production) 2021	N/A
State Environmental Planning Policy (Resources and Energy) 2021	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021	✓ See below
State Environmental Planning Policy (Industry and Employment) 2021	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	✓ See below
State Environmental Planning Policy (Biodiversity and Conservation) 2021	✓ See below
State Environmental Planning Policy (Planning Systems) 2021	N/A
State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021	N/A
State Environmental Planning Policy (Precincts - Central River City) 2021	N/A
State Environmental Planning Policy (Precincts - Western Parkland City) 2021	N/A
State Environmental Planning Policy (Precincts – Regional) 2021	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP aims to promote the remediation of contaminated land for the purpose of reducing risks to people and the environment by specifying certain considerations that are relevant in rezoning land and in determining development applications in general.

Relevant to this Planning Proposal, Clause 6 of the SEPP provides that the Council must not allow the development of land for residential or environmental conservation purposes unless:

- a. the planning authority has considered whether the land is contaminated, and
- b. if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- c. if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

A Detailed Site Contamination Investigation was prepared and is provided with this Planning Proposal.

This Investigation concludes that the risk of contamination to future land uses is low and, therefore concludes that the Site is suitable for future residential land use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.121 of this SEPP outlines the planning requirements for traffic generating development listed in Schedule 3 of the SEPP.

The Site has potential to yield over 200 lots and has frontage to Yass Valley Way, which is classified as a Regional Road, and it is proposed to provide access to this road from the proposed subdivision.

The Traffic Impact Assessment states that acceptable Levels of Service for Yass Valley Way will be maintained.

The Proposal is not inconsistent with this SEPP; however, the Proposal will require referral to TfNSW.

Overhead transmission lines traverse the Site within existing easements and any future Development Application for subdivision will be referred to the electricity authority for comment.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Ecological Assessment provides a detailed assessment of impacts to native vegetation.

The Site does not contain any vegetation declared by a development control plan to be vegetation to which Part 2 of this SEPP applies.

The Ecological Assessment assesses the Site for the presence of tree species listed as Koala Use Tree Species under Schedule 3 for the Central and Southern Tablelands Koala management area. This Assessment states:

Four tree species listed as Koala Tree Species on the Central and Southern Tablelands have been planted within the Study Area; Eucalyptus mannifera (Brittle Gum) and Eucalyptus sideroxylon (Mugga Ironbark), Eucalyptus melliodora (Yellow Box) and Eucalyptus albens (White Box). However, none of the individuals have a DBH greater than 10 cm, as such are not classified as a 'tree' under the Draft Koala Habitat Protection Guideline. Therefore, no Koala habitat was identified within the Study Area.

On this basis the Planning Proposal is consistent with these policies.

Appendix 4 – Consistency with s.9.1 Ministerial Directions

Consistency of the Planning Proposal with the s.9.1 Ministerial Directions is assessed in the following Table with specific comments in relation to the more relevant Directions provided after the Table.

s.9.1 Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with the relevant Regional Plan as demonstrated in Appendix A.
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval and Referral Requirements	This Planning Proposal does not increase concurrence or referral requirements on the Site.
1.4 Site Specific Provisions	No restrictive site-specific provisions are proposed for this Site.
Focus area 1: Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A

s.9.1 Ministerial Direction	Comment
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
1.14 Implementation of Greater Macarthur 2040	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A
1.16 North West Rail Link Corridor Strategy	N/A
1.17 Implementation of the Bays West Place Strategy	N/A
Focus area 2: Design and Place	
Blank	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	N/A
3.2 Heritage Conservation	<p>This Planning Proposal proposes no change to the Heritage Conservation provisions within YVLEP.</p> <p>The Site has been assessed for impact on Aboriginal objects or places and through the Due Diligence Assessment it has been determined works may proceed with caution subject to a number of recommendations.</p>
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5 Recreation Vehicle Areas	N/A
Focus area 4: Resilience and Hazards	
4.1 Flooding	The Site is not mapped as flood prone land pursuant to the LEP.

s.9.1 Ministerial Direction	Comment
	<p>Nevertheless a Flood Risk Assessment is provided with this Planning Proposal which finds the proposal satisfactory.</p> <p>See below for full assessment against this Direction.</p>
4.2 Coastal Management	N/A
4.3 Planning for Bushfire Protection	<p>A Strategic Bushfire Study Report accompanies this Planning Proposal.</p> <p>The Report considers that the residential design itself can offer acceptable bushfire protection measures and has assessed the Planning Proposal as satisfactory from a bush fire risk perspective.</p>
4.4 Remediation of Contaminated Land	The Planning Proposal is accompanied by a Detailed Site Contamination Assessment which concludes the Site is suitable for the proposed use.
4.6 Mine Subsidence and Unstable Land	N/A
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The Planning Proposal is consistent with YVSS which has been endorsed by DPIE and, as such, is not inconsistent with this Direction.
5.2 Reserving Land for Public Purposes	N/A
5.3 Development Near Regulated Airports and Defence Airfields	N/A
5.4 Shooting Ranges	N/A
Focus area 6: Housing	
6.1 Residential Zones	<p>The Planning Proposal is consistent with this Direction as it will;</p> <ul style="list-style-type: none"> - make residential housing more widely available in Yass, - make, utilise and augment existing infrastructure and services; and - improve the efficiency of the use of appropriate land on the urban fringe of Yass.

s.9.1 Ministerial Direction		Comment
		This Planning Proposal will increase the permissible residential density of the Site.
6.2	Caravan Parks and Manufactured Home Estates	N/A
Focus area 7: Industry and Employment		
7.1	Business and Industrial Zones	N/A
7.2	Reduction in non-hosted short-term rental accommodation period	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	N/A
Focus area 9: Primary Production		
9.1	Rural Zones	N/A
9.2	Rural Lands	N/A
9.3	Oyster Aquaculture	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Directions for Further Analysis

Additional Analysis - Focus area 4: Resilience and Hazards - 4.1 Flooding	
<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk 	<p>The Planning Proposal is supported by a FIRA which has been accepted by YVC and is prepared in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>The section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p>

<p>management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p>	
<p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p>	<p>The land is currently zoned R5 Large Lot Residential (that is, not Recreation, Rural, Special Purpose or Conservation Zones) and, therefore, this clause has no application to the Planning Proposal.</p> <p>Notwithstanding this clause has no application to this Planning Proposal, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p>
<p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care</p>	<p>The FIRA and draft subdivision plan only include drainage infrastructure within the flood planning area and no further development.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p> <p>The FIRA and draft subdivision plan demonstrate there is no impact from the Planning Proposal on other properties.</p> <p>The FIRA and draft subdivision plan demonstrate that the Site is not a high hazard area.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p> <p>The FIRA and draft subdivision plan only include drainage infrastructure within the flood planning area.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p> <p>The FIRA and draft subdivision plan only include drainage infrastructure within the flood planning area.</p>

<p>facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	<p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p> <p>The FIRA and draft subdivision plan only include drainage infrastructure within the flood planning area.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p> <p>The FIRA and draft subdivision plan demonstrate that the flood planning area is only 2.2% of the overall Site 27.75ha Site. The draft subdivision plan has multiple egress points and includes only drainage infrastructure within the flood planning area. There will be no increased requirement for Government spending because of this Planning Proposal.</p> <p>The Site is currently zoned for residential uses and the proposed zoning does not permit such industries or establishments.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p>
<p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding</p>	<p>Pursuant to the draft subdivision plan and FIRA, there are no Special Flood Planning Considerations apply to the Site.</p> <p>In addition, there are no residential lots that are exposed to high hazard flood conditions at the PMF.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p>

<p>houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p>	
<p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	<p>The FIRA and, as such, the Planning Proposal have been prepared in accordance with the Floodplain Development Manual 2005 as there is no Plan adopted by YVC.</p>
<p>Consistency</p>	
<p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p> <p>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</p> <p>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles</p>	<p>It is assessed that the Planning Proposal is consistent with this Direction. For completeness we also make the following observations:</p> <p>Not applicable.</p> <p>Not applicable.</p>

<p>of the Floodplain Development Manual 2005 or</p> <p>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or</p> <p>(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>	<p>The Planning Proposal is supported by a FIRA which has been accepted by YVC and is prepared in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>The Flood Planning Area shown on Figure 12 of the FIRA is approximately 6,300m², which means it represents a mere 2.2% of the 27.75ha Site and therefore is of minor significance.</p> <p>In any event, the section of the Site identified as flood affected is proposed to be zoned C2 Environmental Conservation.</p>
--	---