



Contact: Martin Brown
Phone: (02) 6229 7900
Fax: (02) 6229 7901
Email: Martin.Brown@planning.nsw.gov.au
Postal: c/- PO Box 5475, Wollongong NSW 2520

Our ref: PP_2013_YASSV_002_00 (13/15089)
Your ref: PP-2012-03

Mr David Rowe
General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Dear Mr Rowe,

Planning proposal to amend Yass Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 2 September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land known as "Kyeema" at Gundaroo Road, Gundaroo from RU1 Primary Production to RU5 Village and E3 Environmental Management and amend the minimum lot size for the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by the endorsed Town and Villages Study (2010) or are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has not asked to be issued with delegations for this planning proposal because it is of the view that the planning proposal is not a minor matter. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan at this time.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Martin Brown of the regional office of the department on 02 6229 7900.

Yours sincerely,



3/10/2013

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_YASSV_002_00): to rezone and amend the minimum lot size for land known as 'Kyeema' at Gundaroo Road, Gundaroo.

I, the Acting Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Yass Valley Local Environmental Plan (LEP) 2013 to rezone land known as "Kyeema" at Gundaroo Road, Gundaroo from RU1 Primary Production to RU5 Village and E3 Environmental Management and amend the minimum lot size for the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject land.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Murrumbidgee Catchment Management Authority
 - Department of Primary Industries – Office of Water
 - NSW Health

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Relevant public authorities are to respond to issues of potable and non-potable water provision, effluent disposal and potential impacts on ground water. Submissions from public authorities are to be placed on public exhibition with the planning proposal.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.



Planning & Infrastructure

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 3rd day of October 2013.

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure