

yass valley council

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2 September 2013

Mr Brett Whitworth
Regional Director – Southern Region
NSW Department of Planning & Infrastructure
PO Box 5475
Wollongong NSW 2520



Dear Brett

Rural Lands Planning Proposal 2012-01 – Yass Valley Local Environmental Plan 2013

I refer to Planning Proposal 2012-01 for all land zoned RU1 Primary Production and RU2 Rural Landscape under the provisions of the Yass Valley Local Environmental Plan 2013 (YVLEP).

Council, at its Ordinary Meeting of 28 August 2013, resolved that the Planning Proposal be endorsed and forwarded to the NSW Department of Planning & Infrastructure to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal seeks to amend clause 4.1B (3) of the YVLEP as follows:

Despite clause 4.1, development consent may be granted to subdivide land in Zone RU1 Primary Production and Zone RU2 Rural Landscape if:

- (a) *the average size of all of the lots created will be not less than 40 hectares; and*
- (b) *none of the lots created will have an area of less than 20 hectares; and*
- (c) *none of the lots created as part of the averaging process will have an area of greater than 70 hectares.*

Note. *Under clause 4.1 a subdivision can create a lot with an area greater than 70 hectares.*

Accordingly, please find the following information enclosed for your consideration:

- Planning Proposal 2012-01; and
- Council Report and Minutes, Ordinary Meeting 28 August 2013.

At the time of writing this request, Council Staff have also identified that the Yass Valley LEP 2013 'as made' has omitted part of a clause from the draft version publicly exhibited. Clause 4.2C *Erection of dual occupancies on land in certain rural and environmental protection zones* contained part (4) as follows:

'Despite any other provision of this clause development consent may be granted for the erection of a dual occupancy on land in a zone to which this clause applies if a dwelling house can be or has been lawfully erected on the land.'

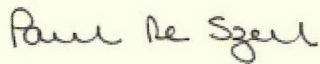
It appears that this was omitted in April of this year, due to the NSW Legal Branch not reviewing a current version of the draft Yass Valley LEP. Clauses 4.2B and 4.2C were also merged at this time to cover both dwelling houses and dual occupancies. Council did not receive any further updated versions to review and this omission unfortunately remained in the version made by the Minister.

By way of background, 4.2C part (4) of the draft Yass Valley LEP sought to address a matter which has been an ongoing issue with Clause 15 of the (former) Yass LEP 1987 for in excess of ten years. In an initial attempt to address this issue Amendment 81 to the Yass LEP 1987 was submitted to the (then) Department of Infrastructure, Planning and Natural Resources in December 2003. This amendment was to enable the consideration of a dual occupancy in a rural or environmental zone wherever there was a "legal" existing dwelling or where a new dwelling could be erected under Clause 14 Existing Parcel provisions. Amendment 81 did not proceed at that time, due to Local Government Amalgamations. I have enclosed documentation in relation to Amendment 81.

As such it is requested that Clause 4.2C(4) be reincorporated back into the Yass Valley LEP 2013 in whole or part, concurrently with the Rural Lands Planning Proposal as there are a number of landowners who continue to wait for resolution of this matter who were previously reassured by the wording of the clause within the exhibited version of the draft Yass Valley LEP.

Should you require further information please contact Liz Makin on (02) 6226 1477 or at Liz.Makin@yass.nsw.gov.au.

Yours sincerely



Paul De Szell

Director of Planning & Environmental Services

ATT:

- Planning Proposal – Yass Valley Council & Section 355 Yass Rural Lands Planning Committee
- Council Report and Minutes
- Yass LEP 1987 – Amendment 81 Documents