



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

14/19182

Attention: Chris Berry

Dear Mr Rowe

I refer to your letter of 25 September 2014 seeking advice in respect of the rural lands planning proposal PP_2013_YASS_003_00 in response to formal objections to the proposal received from two State agencies the during consultation.

The Department recently met with Council staff and representatives of both the Office of Environment and Heritage (OEH) and the Department of Primary Industries (DPI) on 23 October 2014 to discuss this matter. Both agencies confirmed that although they object to the planning proposal in its current form (i.e. to reduce the average rural lot size across all the local government area from 80 hectares to 40 hectares) they were willing to consider a revised planning proposal that applied the 40 hectare average lot size to only the south-eastern portion of the local government area. This was in recognition of the existing fragmentation of rural land that has already occurred in this locality.

Under the Department's guidelines for preparing planning proposals, a planning proposal should not proceed under delegation where there is an unresolved objection from a public authority.

Council has two options for the planning proposal:

1. Council can revise the planning proposal, in consultation with OEH and DPI, to apply the proposed 40 hectare average lot size to an agreed area of the south-eastern section of the local government area and submit an amended planning proposal to the Department of Planning and Environment for a revised Gateway determination. This would enable the proposal to continue to proceed under delegation.
2. If Council wishes to continue with the draft plan as proposed it would not be able to use its delegation for plan making because of the objections from the State agencies.

Council would be required to finalise any outstanding consultation on the draft plan (including any other requirements under the *Environmental Planning and Assessment Act, 1979* (the Act)) and forward the s59 documentation to the Department for consideration.

If you wish to discuss this matter in the meantime, please contact Martin Brown in the Department's Queanbeyan Office on (02) 6229 7913.

Yours sincerely



17 November 2014

**Brett Whitworth
General Manager
Southern Region
Planning Services**