

Yass Valley - Proposal to Reduce Rural Lot Size from 80ha to 40ha with lot averaging

Proposal Title :	Yass Valley - Proposal to Reduce Rural Lot Size from 80ha to 40ha with lot averaging		
Proposal Summary :	The proposal seeks to reduce minimum lot size for subdivision and erection of a dwelling in RU1 Primary Production and RU2 Rural Landscape Zones from 80ha to 40ha and amend the lot averaging clause to allow a minimum of 20ha and maximum of 70ha. Council also seeks to make 'dual occupancies' permissible in RU1 and RU2 Zone wherever a dwelling is permitted.		
PP Number :	PP_2013_YASSV_003_00	Dop File No :	13/15085

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones**
 1.5 Rural Lands
 5.1 Implementation of Regional Strategies

Additional Information : **The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to Yass Local Environmental Plan 2013 to reduce the minimum lot size in RU1 and RU2 Zones should proceed subject to the following conditions:**

1. Prior to consultation with the community, Council is to arrange a peer review of the report prepared by the Yass Valley Rural Lands Planning Committee by a suitably qualified and independent consultant. The peer review is to examine the consistency of the planning proposal with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Regional Strategies and SEPP (Rural Lands) 2008. The outcomes of this peer review are to be provided to the Regional Director of the Southern Region, relevant agencies and publicly exhibited together with the Committee's Report.

2. Council is to prepare draft LEP Map sheets prior to exhibition, in accordance with the Department's 'Standard technical requirements for LEP maps'.

3. Council is to amend the planning proposal to ensure that the amendments to allow dual occupancies permissible in RU1 and RU2 zones are documented appropriately.

4. 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 40 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 5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * **ACT Government;**
- * **Murrumbidgee Catchment Management Authority;**
- * **Department of Primary Industries (Office of Water);**
- * **Department of Primary Industries (Agriculture);**
- * **NSW Rural Fire Service (s117 Direction 4.4); and**

* Office of Environment & Heritage.

Each public authority is to be provided with a copy of the planning proposal, the peer review report and any other relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. No public hearing is required to be held into the matter 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 18 months from the week following the date of the Gateway determination.

8. Council is not to be authorised to use its delegation of the Minister's plan making functions.

s117 DIRECTIONS

9. The Council will need to justify the inconsistencies with s117 Directions 1.5 Rural Lands, which triggers the Planning and Subdivision Principles of the Rural Lands SEPP, and 5.1 Implementation of Regional Strategies through an independent peer review of the Yass Valley Rural Lands Planning Committee's Report. This justification will need to be provided when the planning proposal is submitted for finalisation.

10. The Deputy Director General can be satisfied that the planning proposal is consistent with all other s117 Directions when consultation with NSW Rural Fire Service, under s117 Direction 4.4 has been undertaken, or that any inconsistencies with any other s117 Directions are of minor significance.

11. No further referral is required in relation to s117 Directions, other than 1.5 and 5.1, while the planning proposal remains in its current form.

Supporting Reasons : Council will need to justify the planning proposal against section 117 Directions 1.5 Rural Lands and 5.1 Implementation of Regional Strategies and the Rural Lands SEPP by way of a peer review of the s355 Committee's Report.

Panel Recommendation

Recommendation Date : 10-Oct-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, a peer review of the report prepared by the Yass Valley Rural Lands Planning Committee is to be undertaken by a qualified independent consultant. The peer review is to examine the consistency of the planning proposal with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.1 Implementation of Regional Strategies and State Environmental Planning Policy (SEPP) Rural Lands 2008. The outcomes of the peer review are to be forwarded to the regional office of the department and relevant public authorities and placed on public exhibition with the planning proposal.

2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other documents, once the peer review has been undertaken:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 5.1 Implementation of Regional Strategies
- SEPP (Rural Lands) 2008
- Sydney - Canberra Corridor Regional Strategy

3. Prior to undertaking public exhibition, Council is to update the 'objectives or intended

outcomes' and 'explanation of provisions' sections in the planning proposal to address the proposal to permit 'dual occupancies' in certain rural and environmental protection zones, where a dwelling is permitted, consistent with the additional information provided by Council on 9 October 2013.

4. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed lot size maps, which are at an appropriate scale and clearly identify the subject land.

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 40 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).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- ACT Government
- Office of Environment and Heritage
- Murrumbidgee Catchment Management Authority
- Department of Primary Industries - NSW Office of Water
- Department of Primary Industries - Agriculture
- NSW Rural Fire service (S117 Direction 4.4 Planning for Bushfire Protection)

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.

7. 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).

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should not be issued with plan making delegation in this instance because various matters are to be addressed by Council before the planning proposal can proceed to public exhibition, including undertaking a peer review of the report prepared by the Yass Valley Rural Lands Planning Committee.

Signature:



Printed Name:

NEIL SELMAN

Date:

16/10/13