



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

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

Our ref: PP_2013_YASSV_003_00 (13/15085)
Your ref: Pp-2012-01

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 reduce the minimum lot size for subdivision and the erection of a dwelling in zones RU1 Primary Production and RU2 Rural Landscape from 80ha to 40ha, amend the lot averaging clause to allow a minimum lot size of 20ha and a maximum lot size of 70ha for land zoned RU1 and RU2 and to permit 'dual occupancies' in certain rural and environmental protection zones, where a dwelling is permitted.

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.

Council will still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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,

 25.10.13
Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl:

Gateway determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_YASSV_003_00): to reduce the minimum lot size for subdivision and erection of a dwelling in certain rural zones.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery 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 reduce the minimum lot size for subdivision and the erection of a dwelling in zones RU1 Primary Production and RU2 Rural Landscape from 80ha to 40ha, amend the lot averaging clause to allow a minimum lot size of 20ha and a maximum lot size of 70ha for land zoned RU1 and RU2 and to permit 'dual occupancies' in certain rural and environmental protection zones, where a dwelling is permitted should proceed subject to the following conditions:

1. 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:
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 5.1 Implementation of Regional Strategies
 - State Environmental Planning Policy (Rural Lands) 2008
 - Sydney - Canberra Corridor Regional Strategy
2. 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.
3. 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.
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 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)*.
5. 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.

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 **18 months** from the week following the date of the Gateway determination.

Dated 25th day of October 2013.



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Yass Valley Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_YASSV_003_00	Planning proposal to reduce the minimum lot size for subdivision and the erection of a dwelling in zones RU1 Primary Production and RU2 Rural Landscape from 80ha to 40ha, amend the lot averaging clause to allow a minimum lot size of 20ha and a maximum lot size of 70ha for land zoned RU1 and RU2 and to permit 'dual occupancies' in certain rural and environmental protection zones, where a dwelling is permitted.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *28th October* 2013

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure