

2. RURAL LANDS PLANNING PROPOSAL

FILE: PP-2012-01 – LAM

PURPOSE OF REPORT

To have Council consider a Rural Lands Planning Proposal to reduce the minimum lot size for all rural zoned land to 40 ha.

REPORT

1. Background

Establishing an appropriate minimum lot size for rural lands within the Yass Valley LGA has been an ongoing strategic planning issue over the past decade. In order to assist in resolving this issue the Yass Rural Lands Planning Committee was formed under Section 355 of the Local Government Act 1993. The purpose of this Committee was to provide advice to Council on a number of aspects of Rural Lands Planning. Council at its meeting of 8 August 2012 considered the minutes of the Committee's meeting on 26 July 2012. The minutes included the following recommendation by the Committee:

The Yass Rural Lands Planning Committee recommends that Yass Valley Council lodge the submission titled 'Enhancing the sustainable development of rural land in the Yass Valley Local Government Area' direct to the Minister for Planning and Infrastructure requesting the adoption of a 40ha minimum lot size with averaging across the proposed RU1 Primary Production and RU2 Rural Landscape zones in the Draft Yass Valley LEP 2012 subject to:

- a) None of the lots created as part of the averaging process being less than 20 hectares;*
- b) None of the lots created as part of the averaging process being greater than 70 hectares;*
and
- c) Residual lots that are not part of the averaging process being able to be created in excess of 70 hectares*

Council subsequently resolved to:

"receive and adopt the Minutes of the Yass Rural Lands Planning Committee held on 26 July 2012 and the recommendations contained therein".

On 30 August 2012 the (former) Mayor wrote to the Minister for Planning and Infrastructure in accordance with the recommendations of the Yass Rural Lands Planning Committee.

Council received a response from the Minister for Planning and Infrastructure on 27 September 2012, in which he advised Council to "make" the Draft Yass Valley Local Environmental Plan and after it is gazetted, then focus on the preparation of a "Planning Proposal" to address rural lands planning, see appendix within **Attachment A**.

The Yass Valley LEP 2013 came into effect on 19 July 2013 and as such a Rural Lands Planning Proposal is now able to be considered by Council.

2. Planning Proposal

<u>Applicant:</u> <i>Yass Valley Council</i>	<u>Yass Valley Reference:</u> <i>PP- 2012-01</i>
<u>Owner/s:</u> <i>All landowners of land zoned RU1 Primary Production and RU2 Rural Landscape within the Yass Valley LGA</i>	<u>Political Donations and Gifts Disclosure:</u> <i>Disclosures to be provided by Councillors</i>
<u>Yass Valley LEP 2013 Zone:</u> <i>RU1 Primary Production & RU2 Rural Landscape</i>	<u>Pecuniary Interest:</u> <i>Clr Rowena Abbey Clr Cecil Burgess Clr Ann Daniel</i>

The Planning Proposal has been prepared by Council on the basis of the submission prepared by the Yass Rural Lands Planning Section 355 Committee, consistent with the advice from the NSW Minister for Planning and Infrastructure.

As Council is the proponent, the justification for the amendment to the Yass Valley LEP 2013 is discussed within the body of the Planning Proposal and does not require further discussion within this report. A copy of the Planning Proposal is included as **Attachment A**.

OPERATIONAL PLAN AND BUDGET IMPLICATIONS

The Yass Valley Community Strategic Plan incorporates Strategy 5.1.3 – *"Our land use plans and policies reflect the important position of agriculture and rural activities in our local environment and economy"* which relates directly to long term rural lands planning.

This strategy links directly to Strategic Actions:

- "5.1.3.1 – Undertake a rural lands planning study to determine strategic direction for rural lands;*
- 5.1.3.2 – Develop appropriate land use planning controls that reflect the strategic directions identified for rural lands; and*
- 5.1.3.3 – Ensure appropriate minimum lot sizes are implemented in order to avoid fragmentation of viable agricultural land".*

The Rural Lands Planning Proposal has been prepared in response to the Strategic Actions outlined above.

SUSTAINABILITY IMPLICATIONS

Social	By endorsing the Rural Lands Planning Proposal, Council, subject to the Department of Planning and Infrastructure issuing a Gateway Determination, is ensuring that the community will have the opportunity to provide input into the assessment of the planning proposal/s.
Economic	Council will be required to take into account the relevant economic impacts In considering whether to endorse the Rural Lands Planning Proposal
Environment	The Rural Lands Planning Proposal will be referred to relevant public agencies to ensure that the proposed changes to the Yass Valley LEP 2013 will not have a significant environmental impact. The Natural Resource Management Clauses within the Yass Valley LEP 2013 will also ensure that impacts on Biodiversity, Soil Erosion and Erodibility, Riparian areas, Watercourses and Groundwater will be required to be considered.
Governance	In considering whether to endorse the Rural Lands Planning Proposal, Council is fulfilling its statutory obligation as the relevant planning authority in accordance with Section 54 of the Environmental Planning & Assessment Act 1979.

RECOMMENDATION

That Rural Lands Planning Proposal PP-2012-01 be endorsed and forwarded to the Minister to request a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979;