

Ms Sharon Hutch  
General Manager  
Yass Valley Council  
PO Box 6  
YASS NSW 2582

Dear Ms Hutch

**Planning proposal PP\_2018\_YASSV\_001\_00 to amend Yass Valley Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone rural land to R2 Low Density Residential Zone on part of Lot 1 DP 32236 2155 Sutton Road, Sutton.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Please note that condition 1 of the Gateway determination requires that the planning proposal is revised prior to community consultation to:

- Include mapping of the flood planning area identified in the Sutton Floodplain Risk Management Study and Plan and to include a larger legend for Figures 10 and 11 of the planning proposal to make it more legible. The additional information will assist the Office of Environment and Heritage in its assessment of the planning proposal.
- Clarify that the Lot Size Map will be amended to apply a 2,000 sqm minimum lots size to land proposed to be zoned R2 Low Density Zone.
- Clarify that the LEP provisions will apply a 5,000 sqm minimum lot size to a dwelling house lot and 10,000 sqm minimum lot size for dual occupancy development for residential lots in the proposed R2 Low Density Residential Zone intended to be serviced by an on-site effluent management system.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to the plan being made. Consultation

with the relevant agencies will enable Council and the Department to determine if the planning proposal has adequately justified inconsistencies with these Directions.

I note Council has not requested authorisation to be the local plan-making authority. I have determined not to condition the Gateway for Council to be the local plan-making authority because of environmental and servicing issues associated with the proposal and the requirement for Council to obtain agreement from the Secretary for inconsistencies with a number of section 9.1 Directions.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 02 6229 7906.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Musgrave', is positioned above the printed name and title.

30/11/2018

**Luke Musgrave**  
**Acting Director Regions, Southern**  
**Planning Services**

Encl: Gateway determination