



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

Our ref: 13/15086 & 13/15089

Attention: Chris Berry

Dear Mr Rowe

**Planning Proposals PP_2013_YASSV_001_00 and PP_2013_YASSV_002_00 -
Alteration of Gateway Determinations**

I refer to Council's letters dated 4 August 2015 and 19 November 2015 in relation to Planning Proposals PP_2013_YASSV_001_00 and PP_2013_YASSV_002_00.

I have noted that the NSW Department of Health and Department of Primary Industries (Office of Water) have raised issues with the proposals regarding a sustainable water supply for future residents of Gundaroo, the potential to exacerbate contamination of groundwater from the cumulative impact of onsite sewerage management systems and the potential for increased health risk to residents in Gundaroo if bore water is used for domestic purposes.

I have also noted that the Office of Environment and Heritage has raised issues with the potential disturbance of the breeding area of the threatened Superb Parrot's breeding area located on land within the northern planning proposal and flood risk and mitigation measures for both sites.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determinations for PP_2013_YASSV_001_00 and PP_2013_YASSV_002_00 (as altered). The Alteration of the Gateway Determinations are enclosed.

Changes to the planning proposals in relation to the R2 Low Density Residential Zone are in response to concerns that dwelling houses on un-serviced lots below 5,000m² or 1 hectare for dual occupancy development pose an increased risk to the contamination of groundwater from on-site sewerage management systems.

The increase in minimum lot size for un-serviced lots will also provide a greater opportunity for residents to collect rainwater for domestic use and to have access to bore water to supplement non-domestic water supply.

Other changes to the planning proposals required by the Gateway Alterations will:

- apply minimum lot sizes to restrict residential subdivision on environmentally sensitive land (E3 Environment Management Zone);
- apply a minimum lot size to the RU1 Primary Production Zone to enable the excision of part of Lot 1 DP 850916 in the northern planning proposal;
- provide a buffer between development and the breeding area of the threatened Superb Parrot; and
- respond to the implications of the *Gundaroo Flood Study* dated March 2016 on proposed development.

Council is to undertake further community and agency consultation and a copy of the amended planning proposals is to be provided to the Director Regions, Southern of the Department of Planning prior to undertaking public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised by the 3 October 2017. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The Department also strongly suggests that Council identify the nest trees of the superb parrot in and around the northern planning proposal site in the Council Development Control Plan (DCP) in accordance with clause 5.9 of the Yass Valley LEP 2013.

If you have any questions in relation to this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on (02) 6229 7906.

Yours sincerely

 24 October 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl:
Alteration to Gateway Determinations



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_YASSV_001_00 – Southern Gundaroo)

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 3 October 2013 (as since altered) for the proposed amendment to the Yass Valley Local Environmental Plan 2013 as follows:

1. Change the description of the Planning Proposal

from “rezone certain land at Sutton Road and Faithful Street, Gundaroo from RU1 Primary Production Zone to part RU5 Village Zone with a minimum lot size of 2,000sqm and part R2 Low Density Residential with a minimum lot size of 5,000 sqm.”

to “rezone certain land located south of Gundaroo at Sutton Road and Faithful Street, Gundaroo from RU1 Primary Production Zone to part R2 Low Density Residential Zone with a minimum lot size of 2,000 square metres, part R2 Low Density Residential with a minimum lot size of 5,000 square metres and part E4 Environmental Living Zone with a minimum lot size of 1 hectare.

- Apply a minimum lot size for subdivision of land (5,000 m2) and dual occupancy development (1 hectare) on land zoned R2 Low Density Residential Zone in Gundaroo where reticulated sewerage and a sustainable water supply is not provided.
- Ensure proposed development within the R2 Low Density Residential Zone in Gundaroo is designed, sited and will be managed to avoid contamination of groundwater.”

2. Insert:

new condition 1A “The planning proposal is to be amended to be consistent with the amended description of the planning proposal and consistent with the zones and minimum lot sizes for the site as shown on the attached draft LEP map sheets LZN_005E and LSZ_005E” (Tab E1 and Tab E2).”

3. Insert:

new condition 1B “Prior to undertaking community consultation Council is to provide the Director Regions, Southern, with a copy of the amended planning proposal.”

4. Insert:

new condition 2B "The planning proposal is to be amended to identify and address the implications of the *Gundaroo Flood Study March 2016* and address any inconsistencies with s117 Direction 4.3 Flood Prone Land".

5. Insert:

a new condition 3A "Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- Office of Environment and Heritage
- Murrumbidgee Catchment Authority
- Department of Primary Industries – Office of Water
- NSW Environmental Protection Authority
- NSW Health
- NSW Education

Each public authority is to be provided with a copy of the amended planning proposal and any 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. Insert:

a new condition 4A "Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the amended planning proposal must be made publicly available for a minimum of **28 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 local environmental plans (Department of Planning and Infrastructure)*.

7. Delete:

condition 6 "The timeframe for completing the LEP is to be 36 months from the week following the date of the Gateway Determination"; and

Replace with:



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a new condition 6 "The timeframe for completing the LEP is to be 48 months from the date of the Gateway Determination."

Dated 24th day of October 2016


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_YASSV_002_00 – Northern Gundaroo)

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 3 October 2013 (as since altered) for the proposed amendment to the Yass Valley Local Environmental Plan 2013 as follows:

1. Change the description of the Planning Proposal

from “rezone land at known as ‘Kyeema’ at Gundaroo Road, Gundaroo from RU1 Primary Production to RU5 Village and E3 Environmental Management and amend the minimum lot size for the subject land.”

to

“rezone certain land known as ‘Kyeema’ located north of Gundaroo at Gundaroo Road from RU1 Primary Production Zone to R2 Low Density Residential Zone with a minimum lot size of 2,000 square metres, E4 Environmental Living Zone with a minimum lot size of 1 hectare, E3 Environmental Management Zone with a minimum lot size of 2 hectares, E3 Environmental Management Zone with a minimum lot size of 10 hectares and E2 Environmental Conservation Zone with ‘nil’ minimum lot size.

- Apply a minimum lot size of 20 hectares to part lot 1 DP 850916 to be retained as RU1 Primary Production Zone.
- Apply a minimum lot size for subdivision of land (5,000m²) and dual occupancy development (1 hectare) on land zoned R2 Low Density Residential Zone in Gundaroo where reticulated sewerage and a sustainable water supply is not provided.
- Ensure proposed development within the R2 Low Density Residential Zone in Gundaroo is designed, sited and will be managed to avoid contamination of groundwater.”

2. Insert:

new condition 1A “The planning proposal is to be amended to be consistent with the amended description of the planning proposal and consistent with the zones and minimum lot sizes for the site as shown on the attached draft LEP map sheets LZN_005E and LSZ_005E (Tab E1 and Tab E2).”

3. Insert:

new condition 1B “Prior to undertaking community consultation Council is to provide the Director Regions, Southern Region, with a copy of the amended planning proposal.”

4. Insert:

new condition 2B "The planning proposal is to be amended to identify and address the implications of the *Gundaroo Flood Study March 2016* and address any inconsistency with s117 Direction 4.3 Flood Prone Land.

5. Insert:

a new condition 4A "Consultation is required with the following public authorities under section 56(2) (d) of the Act:

- Office of Environment and Heritage
- Murrumbidgee Catchment Authority
- Department of Primary Industries – Office of Water
- NSW Environmental Protection Authority
- NSW Health
- NSW Education

Each public authority is to be provided with a copy of the amended planning proposal and any 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. Insert:

a new condition 5A "Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the amended planning proposal must be made publicly available for a minimum of **28 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 local environmental plans (Department of Planning and Infrastructure)*."

7. Delete:

condition 7 "The timeframe for completing the LEP is to be 36 months from the week following the date of the Gateway determination."

and replace with:



Planning & Environment

a new condition 7 "The timeframe for completing the LEP is to be 48 months from the date of the Gateway determination."

Dated 24th day of October 2016



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning