



Mr Chris Berry
General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Attention: Ms Liz Makin

Dear Mr Berry

Planning proposal PP_2019_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) and additional information received on 18 November 2019 in respect of the planning proposal to apply a minimum lot size for dual occupancies and multi-dwelling housing in the Yass Valley residential zones.

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

I understand Council has partly prepared this planning proposal in response to the Low Rise Medium Density Housing Code, which the Minister agreed would be deferred from commencement in the Yass Shire until 1 July 2020.

I acknowledge Council's need for the planning proposal, which is based on the desire to ensure that dual occupancy and multi-dwelling housing developments are in keeping with community expectations, consistent with the existing and desired future character of the area and do not overload local infrastructure.

The inconsistency with section 9.1 Direction 3.1 Residential Zones remains unresolved until additional work is completed to analyse the impact of the proposed controls on future housing diversity and supply prior to public exhibition. To satisfy this requirement the planning proposal should be updated to include information on the number and location of low rise medium density housing developments that have been approved by Council over the last 5 years and the likely impact of the proposed changes on the supply and demand for low rise medium density housing in the Yass LGA. The revised planning proposal is to be submitted to the Department for endorsement prior to community consultation.

This requirement is consistent with the Department's endorsement of the Yass Valley Settlement Strategy in 2018 that encouraged Council to establish a housing monitor to assist in the ongoing implementation of the Strategy for managing growth and strategic direction for Yass Valley.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection will be justified in accordance with the terms of the Direction upon consultation with the NSW Rural Fire Service in accordance with the Direction. No further approval is required in relation to this Direction.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority because of the implications this planning proposal has on the Low Rise Medium Density Housing Code.

Please note the Gateway determination also requires the planning proposal to be amended prior to public exhibition to include a savings and transition clause. The clause will ensure any development applications lodged prior to the local environmental plan (LEP) amendment coming into effect are not adversely impacted by the proposed changes to minimum lot sizes to dual occupancy and multi-dwelling housing developments.

The amending LEP is to be finalised within six months of the date of the Gateway determination. Council's request for the Department of Planning, Industry 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 enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely



17/1/2020

Monica Gibson

**Executive Director, Local and Regional Planning
Planning and Assessment**

Encl: Gateway determination