



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

Dear Ms Hutch

**Planning proposal PP\_2018\_YASSV\_003\_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 on Lot 5 DP 838497, 2090 Sutton Road, Sutton to RU5 Village Zone, R5 Large Lot Residential Zone and E3 Environmental Management Zone.

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 be revised prior to community consultation to include mapping of the flood planning area and flood categories contained in the Sutton Floodplain Risk Management Study and Plan. The additional information will assist the Office of Environment and Heritage in its assessment of the planning proposal.

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 2.1 Environmental Protection Zones, 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.

Please note that consultation is required with the NSW Rural Fire Service prior to community consultation in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection.

I note Council has not requested Authorisation to use its delegation for plan making. I have determined not to condition the Gateway for Council to be the local plan-making authority because of the complex nature of environmental and servicing issues associated with the proposal and the requirement for Council to obtain agreement for inconsistency 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



26/11/2018

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

Encl: Gateway determination