



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

Dear Ms Hutch

Planning proposal PP_2018_YASSV_002_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 16 October 2018 in respect of the planning proposal to correct errors or make minor changes (housekeeping amendments - 39 Items) to Yass Valley LEP 2013.

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.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 2.1 Environmental Protection Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions. Section 9.1 Direction 4.4 Planning for Bushfire Protection requires confirmation from the NSW Rural Fire Service before the objectives of this direction can be signed off.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

I have also conditioned the Gateway determination that the planning proposal be revised prior to community consultation to include the proposed new Biodiversity Map.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 typed name and title.

1/11/2018

Luke Musgrave
Acting Director Regions, Southern
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_YASSV_002_00): to correct errors or make minor changes (housekeeping amendments - 39 Items) to Yass Valley LEP 2013.

I, the Acting Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Yass Valley Local Environmental Plan (LEP) 2013 to correct errors or make minor changes (housekeeping amendments - 39 Items) should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation to include the revised Biodiversity Map.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 Environment 2016).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Department of Primary Industries - Agriculture NSW
 - Water NSW
 - NSW Office of Environment & Heritage
 - NSW Road and Maritime Services
 - NSW Department of Industry - Crown Land
 - NSW Rural Fire Service (consultation is to occur before community consultation)
 - NSW National Parks and Wildlife Service
 - Transport for NSW



Planning & Environment

- John Holland Rail
- Essential Energy
- TransGrid
- NSW Aboriginal Land Council

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 1st day of November 2018.

Luke Musgrave
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning