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Our ref: PP_2012_JUNEE_002_00 (11/19074)
Your ref: (18.3.1) RJT:TPH

Mr Greg Campbell
General Manager
Junee Shire Council
PO Box 93
JUNEE NSW 2663

Dear Mr Campbell,

Re: Planning Proposal to rezone land in Illabo Village from RU1 Primary Production Zone to R5 Large Lot Residential Zone and to reduce the minimum lot size of the subject land

I am writing in response to your Council's letter dated 15 February 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the draft Junee Local Environmental Plan 2012 to rezone land in Illabo Village from RU1 Primary Production Zone to R5 Large Lot Residential Zone and to reduce the minimum lot size from 100ha to 1250sq.m and 3ha.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the planning proposal rezones flood prone land to a residential zone which is inconsistent with the requirements of S117 Direction 4.3 Flood Prone Land. The planning proposal has not justified the need to rezone flood prone land for additional housing supply because of the limited population growth and housing demand in the Illabo Village. Therefore, Council is to amend the planning proposal to only rezone those lots that are flood free (i.e. 138, 139, 140, 141, 142, 143 and 144 DP 751398) to R5 Large Lot Residential with a 3ha minimum lot size. Council is to revise the planning proposal to remove the remaining flood prone lots and amend the LEP Map sheets and provide a copy to the Department's Regional Office prior to the commencement of community consultation.

In addition, the planning proposal has not adequately justified the inconsistencies of the proposed rezoning of flood prone land to residential with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones. The Director General therefore cannot be satisfied that the inconsistencies are justified or are of minor significance.

However, should Council wish to pursue the rezoning of flood prone land in the future, Council should demonstrate that there is demand for further residential development in the village of Illabo. Further, Council is to satisfy the Department that the subject land is suitable for residential development given the inconsistencies with the above S117 Directions. Council may be required to undertake additional studies to address the inconsistencies with relevant S117 Directions and to demonstrate the suitability of the land for future residential development.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal following completion of the amendments required by the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Graham Judge of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,


Sam Haddad
Director-General

12/4/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_JUNEE_002_00): to rezone land in the village of Illabo from RU1 Primary Production Zone to R5 Large Lot Residential Zone and to reduce the minimum lot size of the subject land

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Junee Local Environmental Plan 2012 to rezone land in Illabo Village from RU1 Primary Production Zone to R5 Large Lot Residential Zone and to reduce the minimum lot size from 100ha to 1250sq.m and 3ha should proceed subject to the following conditions:

1. The planning proposal has not justified the need to rezone flood prone land for additional housing supply. Therefore, Council is to amend the planning proposal to only rezone those lots that are flood free (i.e. 138, 139, 140, 141, 142, 143 and 144 DP 751398) to R5 Large Lot Residential with a 3ha minimum lot size. Council is to revise the planning proposal to remove the remaining flood prone lots and amend the LEP Map sheets and provide a copy to the Department's Regional Office prior to the commencement of community consultation
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - Department of Trade and Investment
 - Transport for NSW – Railcorp
 - Goldfields Water County Council
 - Department of Industry and Investment – Crown Lands

Each public authority is to be provided with a copy of the 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of April 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure