



Contact: Martin Brown
Phone: (02) 6229 7913
Email: martin.brown@planning.nsw.gov.au

Our ref: PP_2015_PALER_002_00 (15/05306)
Your ref: PROJ0035/11

Mr John Wright
Director Planning & Environmental Services
Palerang Council
PO Box 348
Bungendore NSW 2621

Dear Mr Wright

Planning proposal to amend Palerang Local Environmental Plan 2014

I am writing in response to your Council's letter dated 10 March 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the exempt and complying provisions for the E4 Environmental Living, RU1 Primary Production and RU5 Village Zones under the Palerang Local Environmental Plan (LEP) 2014.

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

Consultation is required with the NSW Rural Fire Service and with WaterNSW (Sydney Catchment Authority) in accordance with Section 117 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments respectively. I have agreed that the planning proposal will be consistent with these Directions once consultation with the RFS and WaterNSW has occurred and any issues raised on the planning proposal have been addressed.

I have agreed that the planning proposal is not inconsistent with any of the remaining Section 117 Directions. No further approval is required in relation to these Directions.

The Planning Proposal identifies the potential for the expanded range of exempt and complying development to be achieved through amendments to either the Palerang LEP or the State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the Codes SEPP). While the Department acknowledges Council will want to gain community advice on the most appropriate way to achieve the expanded list of exempt and complying development, the Planning proposal should be clearer on how these amendments to either instrument would be achieved (eg the specific schedules to be amended). Council is encouraged to update the Planning Proposal to ensure these issues are clear before it undertakes community consultation.

The Department also notes that the ability to apply exempt and complying development in the Council's LEP will be limited by clause 1.9(1) of the Codes SEPP. This may influence Council's decision on the most appropriate location to include the lists of exempt and complying development. Given the likelihood that an amendment to the Codes SEPP may be sought, I have decided not to give Council delegation to make the amending Plan in this instance.

With the range of current exempt and complying development issues that Council has identified, I have asked the Regional team to organise a discussion between Council and the

Department's policy teams to assist in ensuring a clear and consistent approach from the Department.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 54(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act) if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Martin Brown of the Department's Queanbeyan Office to assist you. Mr Brown can be contacted on (02) 6229 7913.

Yours sincerely



Tim Hurst
Executive Director, Regions
Planning Services

4/5/15

Encl:
Gateway Determination



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_PALER_002_00): to amend the exempt and complying provisions for the E4, RU1 and RU5 zones.

I, the Executive Director, Regions, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Palerang Local Environmental Plan (LEP) 2014 or to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to amend the exempt and complying provisions for the E4, RU1 and RU5 zones should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the 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 LEPs (Department of Planning and Environment 2013).
2. Consultation is required with the NSW Rural Fire Service and WaterNSW (Sydney Catchment Authority) under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act). The Rural Fire Service and Water NSW are 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.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979* (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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

4th day of May

2015

Tim Hurst
Executive Director- Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning