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Our ref: PP\_2014\_QUEAN\_002\_00 (14/03395)

Mr Gary Chapman  
General Manager  
Queanbeyan City Council  
PO Box 90  
QUEANBEYAN NSW 2620

Attention: David Carswell/Jacinta Tonner

Dear Mr Chapman

### **Planning proposal to amend the Queanbeyan Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 13 February 2014 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 correct a number of anomalies in the plan and also to introduce a minimum lot size for community title developments.

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

I have also determined the planning proposal's inconsistency with s117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 3.1 Residential Zones are of minor significance. In addition I have agreed to the changes in RE1 Public Recreation Zones under Direction 6.2 Reserving Land for Public Purposes. No further approval is required in relation to any section 117 Directions while the planning proposal remains in its current form.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise the Minister's delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Agency 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 EP&A Act if the time frames outlined in this determination are not met.

Given there is an expressed demand from the development industry to develop residential lots smaller than that provided for by the LEP (by utilising community title subdivision), Council may wish to give consideration to the potential to accommodate lots smaller than 170m<sup>2</sup> in certain locations where appropriate.

Should you have any queries in regard to this matter, please contact Mr Martin Brown of the Southern Regional office of the Agency on 02 6229 7913.

Yours sincerely



14 March 2014

**Brett Whitworth**  
**General Manager**  
**Southern Region**



## Gateway Determination

*Planning proposal (Department Ref: PP\_2014\_QUEAN\_002\_00): to introduce minimum lot size for community title development and to correct a number of anomalies in the Queanbeyan Local Environmental Plan 2012.*

I, the General Manager - Southern Region of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") that an amendment to the *Queanbeyan Local Environmental Plan (LEP) 2012* to undertake those changes detailed in planning proposal No 3 should proceed subject to the following conditions:

1. A site identification map consistent with Appendix J of "Standard technical requirements for LEP maps" is to be prepared to clearly identify the land affected for exhibition purposes. Council is to prepare final maps that are consistent with the latest version of those guidelines when the plan is forwarded for finalisation.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
  - (a) the planning proposal must be made publicly available for **14 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 local environmental plans (Planning and Infrastructure 2013).
3. Consultation is not required with any public authorities in this instance.
4. No public hearing is required to be held into the matter 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 9 **months** from the week following the date of the Gateway determination.

Dated 14<sup>th</sup> day of March 2014.



**Brett Whitworth  
General Manager  
Southern Region  
Planning and Infrastructure**

**Delegate of the Minister for Planning  
and Infrastructure**



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Queanbeyan City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_QUEAN_002_00	<i>To introduce minimum lot size for community title development and to correct a number of anomalies in the Queanbeyan Local Environmental Plan 2012 as detailed in planning proposal No 3.</i>

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 14 March 2014

A handwritten signature in blue ink, appearing to read "Brett Whitworth".

**Brett Whitworth**  
General Manager  
Southern Region  
Planning and Infrastructure